IN THE HIGH COURT OF JUDICATURE AT BOMBAY

A.S.

Writ Petition No.8087 of 2005

Vinobha Bhave Smruti Coop HSc ....Petitioner

vs

Smt Rukminibai N Shahpurkar and ors...Respondents

Mr S.S.Sakhare for petitioner

None for respondents

CORAM: S.U.KAMDAR J.

Dated 30.ll.2005

P.C:

l. By the present petition the order dated 27.l0.2005 is challenged. Under the impugned order the application for adjournment sought by the Chief Promoter of the petitioner society on the ground that there is an externment order by the police and, therefore he cannot attend the matter, has been rejected. In my opinion the order does not suffer from any infirmity. The matter before the trial court is the suit which has been expedited by this Court and it is to be disposed of in time bound programme. The petitioner is a proposed coop housing society and M.D.Shaikh is not the only person representing the society. The proposed society has not engaged any advocate before the trial court and, therefore, in my opinion present petition is merely for delaying the proceedings.

2. The proposed society will be at liberty to engage an advocate and the society will also be at liberty to represent through any other member apart from the Chief Promoter against whom the externment order has been passed. If the proposed society makes such an application to the trial court on or before 5.l2.2005 represented through an advocate and seeks permission to lead evidence,then and in that event the trial court is requested to consider such an application and grant an opportunity to the petitioner society to lead evidence and thereafter defendants evidence should be led. If such an application is not made the trial court to proceed in accordance with the impugned order dated 27.l0.2005.

. Petition is disposed of accordingly with no order as to costs.